

I hereby certify that this correspondence is being deposited with the U.S. POSTAL SERVICE as Express mail in an envelope addressed to: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450, ON: Express Mail No. EB 194443847 US

  
Janet Sherrill

January 11, 2006  
Date

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Gary Landreth et al.  
Group Art Unit: not known  
Serial No.: 10/565,683  
Filed: January 24, 2006  
Examiner: not known  
Attorney Docket No: CWR-7812PCT/US  
For: METHODS AND TREATMENT OF  
PARKINSON'S DISEASE

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION AND DECLARATION UNDER 37 C.F.R. §1.47(a) TO  
FILE AN APPLICATION WITH AN INVENTOR WHO CANNOT BE REACHED**

01/16/2007 LLANDGRA 00000076 10565683

Dear Sir:

03 FC:1463

200.00 DP

This Petition requests the filing of the above-identified patent application with one inventor who cannot be reached. The application was filed in the United States on January 24, 2006 and claims priority from PCT/US03/023082, which was filed on July 24, 2003. A Notice of Missing Parts was sent by the U.S. Patent and Trademark Office on July 11, 2006. A signed Declaration/Power of Attorney from four of the five inventors is being filed herewith. The other inventor has not returned a signed Declaration and cannot be reached. Accordingly, this Petition and Declaration is being filed in accordance with 37 C.F.R. §1.47(a) to set forth the facts showing diligent effort to obtain a signature from the inventor. The Declaration set forth below is made by the undersigned attorney who is responsible for

prosecuting the application. A check for the petition'fee, set forth in 37 C.F.R. §1.17(g), of  
**\$200.00** is enclosed herewith.

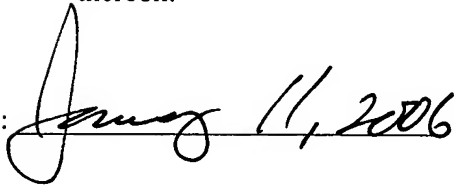
**DECLARATION**

I, Richard A. Sutkus, hereby declare as follows:

1. I am a partner with the law firm of Tarolli, Sundheim, Covell & Tummino LLP (hereinafter "the Tarolli law firm") in Cleveland, Ohio. The Tarolli firm is patent counsel for the Case Western Reserve University (hereinafter "CWRU") and represents CWRU in the above-identified patent application.
2. My responsibilities for CWRU include the preparation, filing, and prosecution of patent applications for inventions developed CWRU employees.
3. On July 24, 2003, Ropes and Gray LLP filed a PCT application for the invention entitled Compositions and Methods for the Treatment of Parkinson's Disease. The application listed Gary Landreth, Colin Combs, Etienne Hirsch, Michael Heneka and Tilo Breidert as inventors. The Serial Number for the application is PCT/US0323082
4. On June 7, 2003, Ropes and Gray sent a power of attorney for execution to Tilo Breidert's last known address in Germany. A copy of this communication is attached as Attachment A. Ropes and Gray received no reply from this communication and attempted to contact Mr. Breidert by email with no success.
5. On March 2, 2004 Ropes & Gray sent a general power of attorney for execution to Mr. Breidert's last known address in Germany. A copy of this communication is attached as Attachment B. No response was received by Ropes and Gray with respect to this communication.
6. On April 1, 2004, Ropes and Gray filed a Response to Correct Defects in the International Application. The Response indicated that Ropes and Gray had attempted to obtain signature form Mr. Breidert on two occasions by courier but was unsuccessful. A copy of this communication is listed as Attachment C.
7. On August 12, 2005, the prosecution of the PCT application was transferred to the Tarolli law firm by CWRU.
8. On January 24, 2006, upon instruction by CWRU, the Tarolli firm entered national stage in the United States. The application was filed without a Declaration of Inventorship. The Serial No. of the application is 10/565,683.
9. On July 11, 2006 a Notification of Missing Requirements was sent by the United States Patent and Trademark Office to the Tarolli firm.
10. On August 29, 2006, a declaration of inventorship was mailed to all the inventors including Mr. Breidert's last known address. The Tarolli firm received no response from Mr. Breidert.
11. On September 13, 2006 Etienne Hirsch signed the declaration and subsequently sent the signed copy to our office.
12. On October 4, 2006, Colin Combs signed the declaration and subsequently sent the signed copy to our office.

13. On October 20, 2006, Gary Landreth signed the declaration and subsequently sent the signed copy to our office.
14. On November 28, 2006, the senior paralegal at CWRU was contacted to verify the address for Mr. Breidert. As indicated in the email included as Attachment D, CWRU did not have a mailing address for Mr. Breidert, but did have an email address.
15. On December 5, 2006, the Tarolli firm attempted to email Mr. Breidert at his last known email address. The email is included as Attachment E. Tracking of the email indicated that the email address was no longer valid.
16. On January 8, 2006, Etienne Hirsch signed the declaration and subsequently sent the signed copy to our office.
17. Subsequent to the December 5, 2006 email, I have attempted to contact Mr. Breidert through his last known associates to no avail.
18. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 100 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this application or any patent issued thereon.

Date:



Signature of Declarant  
Richard A. Sutkus  
Reg. No. 43,941

Tarolli, Sundheim, Covell & Tummino LLP  
1300 East Ninth Street, Suite 1700  
Cleveland, Ohio 44114  
Phone: 216-621-2234  
Facsimile: 216-621-4072  
Customer No. : 26, 294



ROPES & GRAY LLP  
ONE INTERNATIONAL PLACE BOSTON, MA 02110-2624 617-951-7000 F 617-951-7050  
BOSTON NEW YORK SAN FRANCISCO WASHINGTON, DC

DAVID P. HALSTEAD  
WRITER'S DIRECT DIAL: (617) 951-7615  
WRITER'S EMAIL: DHALSTEAD@ROPESGRAY.COM

March 2, 2004

VIA DHL Courier Service

Mr. Tilo Breidert  
Baumgartenstr. 9  
76316 Malsch  
GERMANY

Re: PCT (International) Application No. US03/23082  
Title: *Compositions and Methods for the Treatment  
Of Parkinson's Disease*  
Filing Date : July 24, 2003  
Our Ref.: CWRU-PWO-043

Dear Mr. Breidert:

Further to our letter dated November 17, 2003 and in regard to the subject application, attached for your signature as an Inventor/Applicant is a General Power of Attorney document.

Please sign and date the Power of Attorney where indicated. **We would appreciate prompt return of the signed document via facsimile and overnight mail.**

If you have any questions, please do not hesitate to call. Thank you for your attention to this important matter.

Sincerely,

A handwritten signature in black ink, appearing to read "D. P. Halstead".

David P. Halstead

DPH/mmd

Encl.

cc: Anita Varma (w/out encl.)

# PCT

## GENERAL POWER OF ATTORNEY

(for several international applications filed under the Patent Cooperation Treaty)

(PCT Rule 90.5)

**The undersigned person(s)**

(Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.)

BREIDERT, Tilo  
Baumgartenstr. 9  
76316 Malsch  
DE

hereby appoints (appoint) the following person(s) as: ☒ agent ☐ common representative

**Name and address**

(Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.)

J. Steven Baughman, 47,414; Mark W. Bellomy, 51,452; Johnny Y. Chen, 46,614; Gojeb L. Frehywot, 52,916; Gloria Fuentes, 47,580; Gregory Glover, 34,173; William G. Gosz, 27,787; Patricia Granahan, 32,227; Z. Angela Guo, P54,144; David P. Halstead, 44,735; Margaret E. Jamroz, 54,196; Edward J. Kelly, 38,936; Charles Larsen, 48,533; Agnes S. Lee, 46,862; 44,870; Weishi Li, 53,217; Yu Lu, 50,306; Alex Manganiello, 53,264; Robert A. Mazzaresse, 42,852; Christopher Natkanski, 50,365; R. Daniel O'Connor, P54,343; John D. Quisel, 47,874; Melissa S. Rones, Ph.D., 54,408; Spencer H. Schneider, 45,923; Sanjay Sittani, 48,489; Wolfgang E. Stutius, 40,256; Anita Varma, 43,221; Matthew P. Vincent, 36,709; Dalila Argaez Wendlandt, 52,351; and Levina Wong, P54,551

ROPES & GRAY LLP  
One International Place  
Boston, Massachusetts 02110-2624  
United States of America

to represent the undersigned before

- ☒ all the competent International Authorities  
☐ the International Searching Authority only  
☐ the International Preliminary Examining Authority only

in connection with any and all international applications filed with the following Office:

US as receiving Office and to make or receive payments on behalf of the undersigned.

**Signatures of the applicant(s)** (where there are several persons, each of them must sign, next to each signature, indicate the name of the person signing and the capacity in which the person signs, if such capacity is not obvious from reading this power):

Date: \_\_\_\_\_ By: Tilo Breidert



ROPES & GRAY LLP

ONE INTERNATIONAL PLACE BOSTON, MA 02110-2624 617-951-7000 F 617-951-7050  
BOSTON NEW YORK SAN FRANCISCO WASHINGTON, DC

MARIA M. BJORNHOLM

PARALEGAL

WRITER'S DIRECT DIAL: (617) 951-7868

WRITER'S EMAIL: MBJORNHOLM@ROPESGRAY.COM

November 17, 2003

**VIA DHL Courier Service**

Mr. Tilo Breidert  
Baumgartenstr. 9  
76316 Malsch  
GERMANY

Re: Newly Filed International Application  
Title: *Compositions and Methods for the Treatment  
Of Parkinson's Disease*  
Filing Date : July 24, 2003  
Our Ref.: CWRU-PWO-043

Dear Mr. Breidert:

In regard to the subject application, attached for your signature as an Inventor/Applicant is a General Power of Attorney document.

Please sign and date the Power of Attorney where indicated. **We would appreciate prompt return of the signed document via facsimile and overnight mail.**

If you have any questions, please do not hesitate to call. Thank you for your attention to this important matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Maria M. Bjornholm", with a long horizontal flourish extending to the right.

Maria M. Bjornholm  
Foreign Filing Paralegal

/mmd  
Encl.

**PCT**  
**GENERAL POWER OF ATTORNEY**  
*(for several international applications filed under the Patent Cooperation Treaty)*

(PCT Rule 90.5)

**The undersigned person(s)**

*(Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.)*

BREIDERT, Tilo  
Baumgartenstr. 9  
76316 Malsch  
DE

hereby appoints (appoint) the following person(s) as: ☒ agent ☐ common representative

**Name and address**

*(Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.)*

Steven Baglio, 51,426; J. Steven Baughman, 47,414; Mark W. Bellomy, 51,452; Johnny Y. Chen, 46,614; James P. Demers, 34,320; Gojeb L. Frehywot, 52,916; Gloria Fuentes, 47,580; Gregory Glover, 34,173; William G. Gosz, 27,787; Patricia Granahan, 32,227; Z. Angela Guo, P54,144; David P. Halstead, 44,735; Margaret E. Jamroz, 54,196; Edward J. Kelly, 38,936; Charles Larsen, 48,533; Agnes S. Lee, 46,862; Paul E. Lewkowicz, 44,870; Weishi Li, 53,217; Yu Lu, 50,306; Alex Manganiello, 53,264; Robert A. Mazzaresse, 42,852; Christopher Natkanski, 50,365; R. Daniel O'Connor, P54,343; John D. Quisel, 47,874; Melissa S. Rones, Ph.D., 54,408; Spencer H. Schneider, 45,923; Sanjay Sitlani, 48,489; Wolfgang E. Stutius, 40,256; Anita Varma, 43,221; Matthew P. Vincent, 36,709; Dalila Arguez Wendlandt, 52,351; and Levina Wong, P54,551

ROPES & GRAY LLP  
One International Place  
Boston, Massachusetts 02110-2624  
United States of America

to represent the undersigned before

- ☒ all the competent International Authorities  
☐ the International Searching Authority only  
☐ the International Preliminary Examining Authority only

in connection with any and all international applications filed with the following Office:

US as receiving Office and to make or receive payments on behalf of the undersigned.

**Signatures of the applicant(s)** *(where there are several persons, each of them must sign, next to each signature, indicate the name of the person signing and the capacity in which the person signs, if such capacity is not obvious from reading this power):*

Date: \_\_\_\_\_ By: Tilo Breidert



10625EE2EVA3

Int'l Appln. No.: US03/23082

Int'l Filing Date: 24 July 2003  
(24.07.2003)For: COMPOSITIONS AND METHODS FOR THE TREATMENT OF PARKINSON'S  
DISEASERESPONSE TO INVITATION TO CORRECT DEFECTS  
IN THE INTERNATIONAL APPLICATIONMS PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Attn.: RO/US

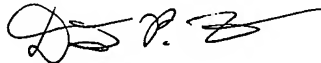
Sir:

Responsive to the Invitation to Correct Defects dated 2 September 2003 and pursuant to Rule 4.15(b), Applicants respectfully advise that Request/Powers of Attorney have been furnished by all applicant/inventors except BREIDERT, Tilo.

Applicants' agent has attempted to obtain a signature on a Request/Power of Attorney for BREIDERT, Tilo by overnight courier service (on two occasions) as well as via e-mail since November, 2003. Applicants' agent is unable to communicate with BREIDERT, Tilo and will not be able to provide a Request/Power of Attorney.

It is believed that no fee is due in connection with this paper. In the event any fee variance exists, please charge the fee to our Deposit Account No. 18-1945.

Respectfully submitted,


David P. Halstead  
Registration No. 44,735Ropes & Gray LLP  
One International Place  
Boston, Massachusetts 02110-2624  
(617) 951-7615

Dated: 1 April 2004

Attachment D

**From:** Janet Sherrill  
**To:** Ginny Olszewski  
**Date:** 11/29/2006 9:00:19 AM  
**Subject:** RE: Your Ref.: JAKE-158, Our File: CWR-7812PCT/US

Thanks, I'll try that.

>>> "Ginny Olszewski" <[vao@case.edu](mailto:vao@case.edu)> 11/29/2006 8:40 AM >>>

Sorry, Janet, I don't have any address info for this person. Have you tried this email address - [tilo.breidert@gmx.de](mailto:tilo.breidert@gmx.de) ? I have no idea if it is current or valid - good luck!  
Ginny

-----Original Message-----

From: Janet Sherrill [<mailto:jsherrill@tarolli.com>]  
Sent: Tuesday, November 28, 2006 4:46 PM  
To: [vao@case.edu](mailto:vao@case.edu)  
Subject: RE: Your Ref.: JAKE-158, Our File: CWR-7812PCT/US

Not a problem. I'm going to be kind of pain and ask you if you would happen to have Tilo Breidert's address. I looked through the files and I can not come up with one. Thanks Ginny.

Janet

>>> "Ginny Olszewski" <[vao@case.edu](mailto:vao@case.edu)> 11/28/2006 4:37:32 PM >>>

Hi Janet,  
Per Michael Haag, the email from Gary Landreth listing inventors in connection with the above should be accurate. I apologize for the delay. Please let me know if there's anything further that you need.  
Regards,  
Ginny

Ginny Olszewski  
Senior Paralegal/Compliance Specialist  
Technology Transfer Office  
Case Western Reserve University  
Sears Library, 6th Floor  
10900 Euclid Avenue  
Cleveland, OH 44106-7219  
216-368-0362  
Fax: 216-368-0196  
\*\*\*\*\*

This message may contain confidential and/or privileged information. If you are not the addressee or authorized to receive this for the addressee, you must not use, copy, disclose or take any action based on this message or any information herein. If you have received this message in error, please advise the sender immediately by reply e-mail and delete this message. Thank you for your cooperation.

-----Original Message-----

From: Ginny Olszewski [<mailto:vao@case.edu>]  
Sent: Monday, November 20, 2006 9:36 AM

Attachment E

**From:** Janet Sherrill  
**To:** "tilo.breidert@gmx.de".GWIA.TAROLLI  
**Date:** 12/5/2006 4:23:53 PM  
**Subject:** Co-inventor on Application

Good Afternoon Mr. Breidert:

You are a co-inventor on a Patent Application for Case Western Reserve University. In order to completely file the application Formal papers need to be filed. I am having trouble locating an address for you, if you could please e-mail me your current address so that I may forward you the formal papers for signature I would greatly appreciate it. The deadline to file the papers is January 11, 2007. Please let me have your information as soon as possible.

Very truly yours,

Janet A. Sherrill  
Secretary to  
Richard A. Sutkus  
Tarolli, Sundheim, Covell & Tummino L.L.P.  
1300 East Ninth Street, Suite 1700  
Cleveland, OH 44114  
Phone: (216) 621-2234, Ext. 133  
Fax: (216) 621-4072

ASSIGNMENT

WHEREAS, we, Gary Landreth, Colin Combs, Etienne Hirsch and Michael T. Heneka of Shaker Heights, County of Cuyahoga, State of Ohio; of Grand Forks, County of Grand Forks, State of North Dakota; of Versailles, Country of France, and of Bonn, Country of Germany, respectively, have made new and useful improvements in METHODS FOR THE TREATMENT OF PARKINSON'S DISEASE; for which application for Letters Patent of the United States has been filed on January 24, 2006, under Serial No. 10/565,683; and

WHEREAS, Case Western Reserve University, a tax-exempt nonprofit organization duly organized and existing under the laws of the State of Ohio, having a place of business at Cleveland, County of Cuyahoga, State of Ohio, is desirous of acquiring the entire right, title and interest in and to the said improvements and all patents therefor to be obtained in the United States of America and countries foreign to the United States;

NOW THEREFORE, BE IT KNOWN that for valuable considerations to us paid, the receipt whereof is hereby acknowledged, we the said Gary Landreth, Colin Combs, Etienne Hirsch and Michael T. Heneka do hereby assign, sell and set over unto the said Case Western Reserve University, its successors or assigns, the entire right, title and interest in and to the said improvements and any and all inventions pertaining thereto, said application Serial No. 10/565,683, for the United States patent, all patents granted therefor in the United States of America and elsewhere, and the right to apply for patents therefor in all countries foreign to the United States and to claim for such applications the priority of United States applications, and we hereby request the Commissioner of Patents of the United States, and any official of any country or countries foreign to the United States whose duty it is to issue patents, to issue such patents to the said Case Western Reserve University, its successors or assigns; and we further agree to execute such other applications and other instruments and do all other acts as may be deemed necessary by the said Case Western Reserve University, its successors or assigns in order to fully secure, protect and preserve its rights to the said improvements and to obtain patents therefor in the United States of America and all countries foreign to the United States, all without further consideration but at the expense of the said Case Western Reserve University, its successors or assigns.

Signed at

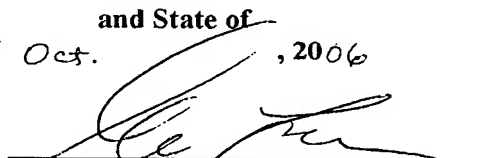
County of

This 24<sup>th</sup>

day of Oct.

and State of

, 2006



Gary Landreth

STATE OF Ohio )

COUNTY OF Cuyahoga )

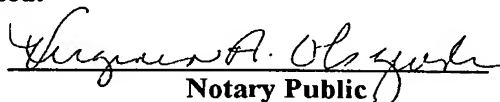
On this 24<sup>th</sup>

day of Oct. , 2006

Personally appeared before me Gary Landreth to me known to be the person named in and who executed the above instrument, and acknowledged to me that he executed the same for the uses and purposes therein mentioned.

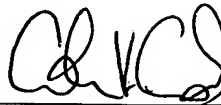
**VIRGINIA A. OLSEWICK**  
Notary Public

In and for the State of Ohio  
My Commission Expires Oct. 20, 2007  
Recorded in Lake County

  
Notary Public

Signed at  
County of  
This

day of and State of , 20 .



Colin Combs

STATE OF )  
COUNTY OF )

On this day of , 20 .  
Personally appeared before me Colin Combs to me known to be the person named in and who executed the above instrument, and acknowledged to me that he executed the same for the uses and the purposes therein mentioned.

\_\_\_\_\_  
Notary Public

Signed at  
County of  
This

day of and State of , 20 .

\_\_\_\_\_  
Etienne Hirsch

STATE OF )  
COUNTY OF )

On this day of , 20 .  
Personally appeared before me Etienne Hirsch to me known to be the person named in and who executed the above instrument, and acknowledged to me that he executed the same for the uses and the purposes therein mentioned.

\_\_\_\_\_  
Notary Public

Signed at  
County of \_\_\_\_\_ and State of \_\_\_\_\_  
This \_\_\_\_\_ day of \_\_\_\_\_, 20 .

\_\_\_\_\_  
Colin Combs

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20 .  
Personally appeared before me Colin Combs to me known to be the person named in and who  
executed the above instrument, and acknowledged to me that he executed the same for the uses  
and the purposes therein mentioned.

\_\_\_\_\_  
Notary Public

Signed at *Paris*  
County of *France*  
This \_\_\_\_\_ day of *September 13*, 20 *06* and State of \_\_\_\_\_

  
\_\_\_\_\_  
Etienne Hirsch

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20 .  
Personally appeared before me Etienne Hirsch to me known to be the person named in and who  
executed the above instrument, and acknowledged to me that he executed the same for the uses  
and the purposes therein mentioned.

\_\_\_\_\_  
Notary Public

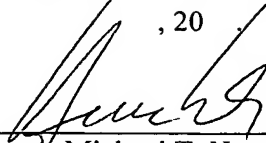
Signed at  
County of  
This

and State of

8.1.2007

, 20

day of



Michael T. Heneka

STATE OF

)

COUNTY OF

)

)

On this                      day of                      , 20 .  
Personally appeared before me Michael T. Heneka to me known to be the person named in and  
who executed the above instrument, and acknowledged to me that she executed the same for the  
uses and the purposes therein mentioned.

\_\_\_\_\_  
Notary Public